

CITY OF MESA

MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers
Date: November 18, 2009 Time: 4:00 p.m.

MEMBERS PRESENT

Frank Mizner, Chair
Randy Carter, Vice Chair
Beth Coons
Scott Perkinson
Chell Roberts
Vince DiBella
Lisa Hudson

MEMBERS ABSENT

OTHERS PRESENT

John Wesley
Tom Ellsworth
Lesley Davis
Angelica Guevara
Debbie Archuleta
Gordon Sheffield

Christine Zielonka
Margaret Robertson
Michael Dyett
Sean Lake
Others

Chairperson Mizner declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated November 18, 2009. Before adjournment at 5:22 p.m., action was taken on the following:

It was moved by Boardmember Vince DiBella seconded by Boardmember Beth Coons that the minutes of the October 20, 2009, and October 21, 2009 study sessions and regular meeting be approved as submitted. Vote: 6 – 0 – 1 Boardmember Scott Perkinson was not at the October meetings.

Consent Agenda Items: All items identified with an asterisk (*) or a (**) were approved with one Board motion.

It was moved by Boardmember Randy Carter seconded by Boardmember Beth Coons that the consent items be approved. Vote: 7 – 0

It was moved by Boardmember Beth Coons, seconded by Boardmember Scott Perkinson that the second consent items be approved. Vote: 6 – 0 – 1 (Boardmember Randy Carter abstained)

Code Amendment: Amending City Code regarding Titles 11 as it applies to the Planning and Zoning Board, Downtown Development Committee, and Design Review Board

Zoning Cases: Z09-23, Z09-22, Z09-24, Z09-25, Z09-26, Z09-27, GPMinor09-06 and Z09-20

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Item: **Z09-23 (District 6)** 1545 South Crismon Road. Located south of Southern Avenue on the east side of Crismon Road (0.82± acres). District 6. Site Plan Review. This request will allow the development of a new retail pad in an existing commercial center. Home Depot U.S.A., Inc., owner; Alan Tanner, Bourn Partners, Inc, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board approve zoning case Z09-23 conditioned upon:

1. Compliance with the basic development as described in the project narrative, as shown on the site plan, and preliminary elevations as approved by the Design Review Board, (without guarantee of building count and square footage).
2. Compliance with all requirements of the Design Review Board.
3. Subject to approval of the Substantial Conformance Improvement Permit and compliance with all requirements of the Substantial Conformance Improvement Permit.
4. Subject to approval of a Land Split and compliance with all requirements of the Land Split.
5. Applicant to provide one of the following with the Design Review Board submittal:
 - a. A garden arbor trellis over the proposed sidewalk just south of the building and trees 25' on center on both sides of the sidewalk along the south side of the building and on one side along the back of the building; or
 - b. An additional sidewalk at the north side of the building to connect the right-of-way to the existing pedestrian connection at the back of the building.
6. Conformance with current development standards
7. Compliance with all City development codes and regulations.
8. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.

Vote: Passed 7 – 0

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Item: **Z09-22 (District 6)** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± s.f.). District 6. Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. Daniel Deryke, Western Horizons Development, LLC, owner; Debra Gomez, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board recommend to the City Council approval of zoning case Z09-22 conditioned upon:

1. Compliance with the basic development of the Charter School as described in the project narrative.
2. Compliance with all City development codes and regulations, including comments from the Transportation Division.
3. This Council Use Permit shall expire on June 30, 2012.
4. The approval of this Council Use Permit is limited to the University Public School Initiative.

Vote: Passed 7 – 0

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MINUTES OF THE NOVEMBER 18, 2009 PLANNING AND ZONING MEETING

Item: **Z09-24 (District 5)** The 10000 block of East Brown Road (north side). Located at the northeast corner of Crismon Road and Brown Road (5.78± acres). District 5. Rezone from Maricopa County R1-35 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant.

Comments: This case was on the second consent agenda and therefore was not discussed individually.

It was moved by Boardmember Beth Coons, seconded by Boardmember Scott Perkinson

That: The Board recommend to the City Council approval of zoning case Z09-24 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Vote: Passed 6 – 0 – 1 (Boardmember Randy Carter abstained)

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Item: **Z09-25 (District 5)** 2701 East Lehi Road. Located north of McDowell Road and east of Gilbert Road (7.65± acres). District 5. Rezone from Maricopa County RU-43 to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant.

Comments: This case was on the second consent agenda and therefore was not discussed individually.

It was moved by Boardmember Beth Coons, seconded by Boardmember Scott Perkinson

That: The Board recommend to the City Council approval of zoning case Z09-25 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Vote: Passed 6 – 0 – 1 (Boardmember Randy Carter abstained)

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Item: **Z09-26 (District 5)** 9016 East Gary Lane. Located north of Brown Road and west of Ellsworth Road (0.15± acres). District 5. Rezone from Maricopa County R1-6 to City of Mesa R1-6. This request will establish City of Mesa zoning on recently annexed property. Harlan and Sarah Finzer, owner; City of Mesa, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board recommend to the City Council approval of zoning case Z09-26 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Vote: Passed 7 – 0

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Item: **Z09-27 (District 5)** 2415 North Hawes Road. Located north of McKellips Road on the east side of Hawes Road (2.02± acres). Rezone from Maricopa County R1-18 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. Stephen and Laurie Loper, owner; City of Mesa, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board recommend to the City Council approval of zoning case Z09-27 conditioned upon:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Vote: Passed 7 – 0

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MINUTES OF THE NOVEMBER 18, 2009 PLANNING AND ZONING MEETING

Item: **GPMInor09-06 (District 6)** 6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). District 6. Minor General Plan Amendment to change the Mesa 2025 General Plan Land Use designation from Community Commercial (CC) and Medium Density Residential 6-10 du/acre (MDR 6-10) to High Density Residential 15+ du/acre (HDR 15+). This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board continue zoning case GPMInor09-06 to the December 16, 2009 meeting

Vote: Passed 7 – 0

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MINUTES OF THE NOVEMBER 18, 2009 PLANNING AND ZONING MEETING

Item: **Z09-20 (District 6)** 6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). Rezone from C-2 and R1-6 PAD to R-4 PAD and Site Plan Review. This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board continue zoning case Z09-20 to the December 16, 2009 meeting

Vote: Passed 7 – 0

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MINUTES OF THE NOVEMBER 18, 2009 PLANNING AND ZONING MEETING

Item: Amendment to the Mesa City Code regarding Title 11 as it applies to the Planning and Zoning Board, Downtown Development Committee, and Design Review Board.

Comments: This item was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board continue this item to the December 16, 2009 meeting

Vote: Passed 7 – 0

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Item: **Southern Avenue Marketplace. (District 6)** The 7400 to 7500 blocks of East Southern Avenue (north side). Located west of Sossaman Road on the north side of southern Avenue. (11.57± acres) This request will allow for extension of a preliminary plat. Kevin page, Vice President, The Arizona Real Estate Fund II, LLC., owner; David Calcaterra, Deutsch Architecture Group, applicant.

Comments: This case was on the consent agenda and therefore was not discussed individually.

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons

That: The Board approve the preliminary plat of Southern Avenue Marketplace

Vote: Passed 7 – 0

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Item: Progress report on Zoning Code Update

Comments: Staffmember Gordon Sheffield stated the process for updating the Zoning Code started in September 2006. He stated one of the main objectives was to make the Code easier to read and use. He then introduced Michael Dyett who is the consultant hired to re-write the Zoning Code.

Mr. Dyett gave a general overview of the new Code. He reiterated that the main goal was to make the Zoning Code easier to read and an additional goal was clarifying the requirements in order to know what a property owner can do on his lot, or where to look to buy or build for an intended use. He stated there was no longer a design guidelines section, as the existing guidelines were folded into the various land use districts. He briefly explained some of the major changes, which include:

- Using tables and providing cross references.
- Only saying things once.
- Formatting use regulations in tables
- Including new graphics – easier to understand
- Clearly defining heights and measurement requirements
- Allowing mixed uses
- Allowing increased densities and allowing for front and rear yard encroachment for residential
- Provision of Character districts; auto related, and pedestrian related
- Allowing more height and more intensity in several districts
- Provision of mixed use areas with residential upstairs from commercial/retail
- Provision of transit oriented development – to promote more intense uses around transit stops
- Provision for 7 overlay districts; 6 of which already exist one new district for in-fill
- Specifying standards for special uses so they fit into existing neighborhoods
- Providing live work options
- Revising parking and loading standards – allowing compact spaces, shared parking and on-street parking
- More flexibility for landscaping requirements
- Allowing voluntary affordable housing units to increase densities

He stated the Code would also allow staff to look at non-conforming uses and determine if they were non-detrimental which would be a Class I use; or if they were detrimental to the neighborhood; such as welding or hazardous materials, they would be a Class II.

The Zoning Code would also clearly lay out the duties of the Board and staff. It would also clearly explain the appeal options in a table.

Mr. Dyett and Mr. Sheffield stated the sign ordinance would be left as a future update project.

Chair Frank Mizner liked the use of graphics and the explanation of measurement. He thought the mixed uses would be a great addition for the City. He also thought the in-fill guidelines would be a good tool for Mesa. He stated that change is difficult and there would need to be a lot of training and time for staff, the Boards, and various outside users to get used to the new Code.

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Boardmember Vince DiBella liked the organization and flow of the Code. He was concerned with the language for the criteria for in-fill on 3.25. He was concerned it could energize the communities. He stated the Downtown district landscape requirements refer you back to Chapter 22 which is for very suburban areas. He thought Chapter 18 should have more options along with specified LEED, green – building standards..

Boardmember Beth Coons thought the direction was to leave reference to LEED out of the Ordinance. She also thought there should be criteria so that tattoo parlors and pawn shops would not be clustered. She wanted to ensure that there would be substantial feed back from developers, zoning attorneys, builders, etc. Mr. Sheffield stated there would be a minimum four month public review process.

Boardmember Randy Carter did not think the City should legislate LEED. He confirmed the in-fill districts would help with development of areas larger than what the DIP and SCIP processes address. They would also allow in-fill development without having to go through public hearing processes. He thought the language for Sanitation requirement was too wordy, and should be simplified to three or four sentences. He was concerned with the 125% of minimum cap for parking requirements. He stated major retail users require a lot of parking. If we ever get true rapid transit then this may work, but until then it is pre-mature. Unspecified tenants, should also include commercial centers. Citizen participation had too many words to say very little. He thought the City should look at distance requirements. He thought 1000' notification was too much unless the project was very large.

Boardmember Chell Roberts applauded the graphics and tables. He thought there would be more form based standards. Mr. Sheffield stated there were building form standards in this Code; however, an actual Form Based Code would be in the future. He said it could incorporated into this Code.

Boardmember Scott Perkinson was excited about the overall concept. He offered to work with staff to facilitate meetings, discussions, with professional groups who will use it the most. He thought the Code would be easier for staff and the users.

Boardmember Lisa Hudson was excited to see this Code and agreed it should be easier to use.

Chair Frank Mizner thought the Code had come a long way. He stated there have been a lot of changes on the Council and staff since this project started. He thought the Code would help with the challenges to develop the remainder of the City. He thought staff should bring up LEED at the developer's forum.

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Respectfully submitted,

John Wesley, Secretary
Planning Director

DA:
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